

REMARKS

Applicant hereby adds new claims 63-66. Accordingly, claims 3-19, 21-35, 36-37, 39-46, and 48-66 are pending in the present application.

Claims 3-10 and 58 are rejected based on a judicially created doctrine for double-patenting. Claims 49-57 stand rejected under 35 U.S.C. 102(b) for anticipation by U.S. Patent No. 6,137,179 to Huang.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Applicant hereby adds a new title which corresponds to the preambles of the pending claims and accordingly is highly and clearly descriptive of the invention to which the claims are directed. Acceptance of the title is respectfully requested.

With respect to the obviousness double patenting rejection, Applicant submits a Terminal Disclaimer herewith. Applicant respectfully requests withdrawal of the double patenting rejection in the next Action.

Referring to the prior art rejection of claim 49, the Office identifies teachings of Huang on page 6 which allegedly disclose limitations of claim 49. However, the identified teachings fail to disclose or suggest positively-recited limitations of claim 49 and claim 49 is allowable for at least this reason.

Initially, Applicant note that the Office refers to reference 26 of Huang as allegedly disclosing a bit line. However, Huang is clear that reference 26 is a

conductive layer or a bit line *contact*. As set forth in col. 5, lines 63-65, reference 24 actually refers to the bit lines.

Claim 49 positively recites extending conductive material from proximate a substrate node location to a location elevationally above all conductive material of an adjacent bit line. Claim 49 further recites that the extending comprises *etching a contact opening through insulative material and generally self-aligned to both said bit line and said work line*. On page 6 of the Action, the Examiner cites the teachings at col. 6, lines 15-25 and Fig. 3 as allegedly disclosing the claimed etching of the contact opening self-aligned to bit and word lines. Applicants disagree.

In particular, col. 6, lines 15-25 states that capacitor node contact openings 5 are etched for node contacts in the *memory cell area 8 self-aligned to the gate electrodes*. References 16, 18 are identified in Huang as being gate electrodes. *In no fair interpretation may gate electrodes be fairly considered to disclose or suggest any teachings of self-alignment of the contact opening with a word line and a bit line as defined in claim 49*. Huang is void of any disclosure or suggestion of the claimed etching the contact opening generally self-aligned to both a bit line and a word line. Claim 49 recites limitations which are not disclosed nor suggested by the prior art and claim 49 is allowable for at least this reason.

In the event that a rejection of claim 49 is maintained with respect to the

prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R. §1.104(c)(2). In particular, 37 C.F.R. §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific references teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if claim 49 is not found to be allowable. In particular, Applicants request identification of reference teachings which allegedly disclose etching the contact opening self-aligned to both a bit line and a word line as claimed so Applicants may appropriately respond during the prosecution of the present application.

The claims which depend from independent claim 49 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to claim 51, the Examiner relies upon the teachings of reference 36 in support of the rejection of claim 51. However, Fig. 3 of Huang makes clear that reference 36 does not extend into the opening 5. Positively-recited limitations of claim 51 are not disclosed nor suggested by the prior art and claim 51 is allowable for at least this reason.

If claim 51 is not allowed and in compliance with the C.F.R., Applicant respectfully requests issuance of a non-final Action to clarify the rejections of claim 51 so Applicant may appropriately respond during the prosecution of the present application.

Referring to claim 54, and if claim 54 is not allowed, Applicant respectfully requests clarification of the teachings of Huang relied upon in support of any rejection of claim 54. In accordance with the C.F.R., Applicant respectfully requests identification of reference numbers of Huang which allegedly disclose the claimed patterned masking layer and the opening pattern so Applicant may appropriately respond.

Applicant hereby adds new claims 63-66 which are supported at least by Fig. 17 and the associated specification teachings of the originally-filed application.

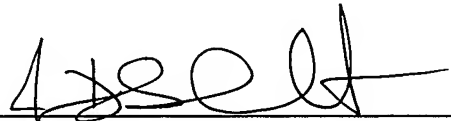
Applicant submits a Supplemental Information Disclosure Statement herewith.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 12/27/04

By: 
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